

REMARKS

Claims 2, 3, 5-10, 24, 36-42, and 68-72 are pending in the application. As explained below, it is believed that new claim 68 provides a linking claim that allows rejoinder and allowance of all of the pending claims that are presently withdrawn from consideration.

Examiner Interview Summary

The applicant thanks the Examiner for the opportunity of a telephone interview on this matter on 2 April 2008.

The Examiner has taken the position that the amended claims in the latest Office Action response (filed 18 Dec 2007) no longer read on the elected embodiment, because "the elected embodiment does not appear to have an outside diameter that is larger than the diameter of the cup bottom opening."

The Examiner and the applicant both agree that the elected embodiment is in Figures 8, 9 and 11-13.

In the Office Action response, the applicant has two independent claims, numbered as 68 and 71. Applicant respectfully asserts that each independent claim is generic. Dependent device claim 69 reads onto species C (the elected species); dependent device claim 70 reads onto species A. New dependent method claim 72 reads onto species C.

It is the applicant's position that the elected claim is generic for two reasons: 1) it is silent as to the diameter issue; and 2) the first recited feature is not claimed simply as a "fastener", but is claimed as a "fastener assembly."

Dependent claim 69, which addresses the structure of the "fastener assembly," also states that the "fastener assembly" comprises a fastener and a seat ring. This claim reads on at least Figs 8, 9 and 11 of the elected embodiment. The seat ring is reference number 200 in Figs 8 and 9 and is reference numeral 426 in Fig. 11. In Figs 12A, 12B, the fastener head 404 has the required larger diameter, without the seat ring. In Fig 13, the relevant diameters are not observable.

Reconsideration of the Examiner's position, followed by examination of the claims and remarks presented in the Office Action response of 18 Dec 2007 is earnestly requested.

Respectfully submitted,

Dated: 2 April 2008 By: /Stephen L Grant, Reg No 33390/

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